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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 BILLY JOE McDONALD, ) No.: 1:20-cv-01003-NONE-SAB (PC)  
12 Plaintiff, )  
13 v. ) ORDER ADOPTING FINDINGS AND  
14 DR. PHATAL, ) RECOMMENDATIONS, AND DISMISSING  
15 Defendant. ) ACTION, WITHOUT PREJUDICE  
16 ) (Doc. No. 12)  
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18 Plaintiff Billy Joe McDonald is proceeding *pro se* and *in forma pauperis* in this civil rights  
19 action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge  
20 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On September 10, 2020, the assigned magistrate judge issued findings and recommendations  
22 recommending that this action be dismissed without prejudice due to plaintiff's failure to exhaust  
23 administrative remedies prior to filing suit as required by the Prison Litigation Reform Act of 1995,  
24 42 U.S.C. § 1997e(a). (Doc. No. 12.) The findings and recommendations were served on plaintiff and  
25 contained notice that objections thereto were due within thirty (30) days. (*Id.* at 3.) Plaintiff has not  
26 filed objections and the time to do so has now expired.

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1 Pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this court has conducted a *de novo*  
2 review of this case. Having carefully reviewed the entire file, the court concludes that the findings and  
3 recommendations are supported by the record and proper analysis.

4 Accordingly, the court hereby ORDERS that:

- 5 1. The findings and recommendations (Doc. No. 12), issued on September 10, 2020, are  
6 ADOPTED in full; and
- 7 2. The instant action is dismissed, without prejudice, due to plaintiff's failure to first  
8 exhaust his administrative remedies.

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10 IT IS SO ORDERED.

11 Dated: October 21, 2020

  
UNITED STATES DISTRICT JUDGE